

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Blake Best, : Case No. 1:12-cv-564
: Plaintiff, :
: vs. :
: Mobile Streams, Inc., et al., :
: Defendants. :
:

ORDER

On January 13, 2014, the Magistrate Judge issued a Report and Recommendation (Doc. 134) which addressed several pending motions in this case.

Proper notice has been given to the parties under 28 U.S.C. §636(b)(1)(C), including notice that the parties would waive further appeal if they failed to timely file objections to the Report and Recommendation. To date, no objections have been filed.

Therefore, the Court hereby adopts the Magistrate Judge's Report and Recommendation in full. The Court orders:

- (1) the Answer (Doc. 58) filed on behalf of MobileFunster, Inc., is STRICKEN from the record.
- (2) the counterclaims of MobileFunster, Inc. (Doc. 58) are DISMISSED without prejudice for failure to prosecute.
- (3) the Motions to Dismiss (Docs. 104 and 105) filed by MobileFunster, Inc., and Funmobile, Ltd., are STRICKEN from the record.
- (4) a default judgment is GRANTED in favor of Plaintiff against MobileFunster, Inc., and against Funmobile, Ltd., on all of Plaintiff's claims against those entities. The

amount of the default judgment shall be determined by the Court.

(5) the following motions are DENIED as moot: Plaintiff's motion to strike (Doc. 114); Plaintiff's motion to dismiss (Doc. 115); and Plaintiff's motion to strike (Doc. 116).

SO ORDERED.

DATED: February 26, 2014

s/Sandra S. Beckwith
Sandra S. Beckwith, Senior Judge
United States District Court